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REMARKS

Claims 1, 3-11, 13-19 and 21-22 are pending in the application. Claims 1, 3-11, 13-19 and 21-22 were rejected under 35 U.S.C. § 103 (a).

Rejection Under 35 U.S.C. § 103 (a)

Claims 1, 3-11, 13-19 and 21-22 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over U. S. Patent Number 7,336,771 issued to Crockett et al. on February 26, 2008 in view of U. S. Patent Number 6,704,394 issued to Kambhatla on March 9, 2004.

Applicant has avoiled this ground of rejection for the following reasons.

Applicant's claim 1, as amended, now recites,

"a Customer Premise Equipment (CPE) application server component that provides one or more services to a telephony device on a call through establishment of one or more data streams associated with the call, the one or more services selectively determined by a user of the telephony device;

an application server component with which the CPE application server component communicates to provide the one or more services through employment of one or more protocols to establish the one or more data streams, wherein at least one of the one or more protocols is a User Datagram Protocol (UDP); and

one or more switch components operable to communicate with the application server component and the CPE application server via Session Initiation Protocol (SIP) to provide the one or more services."

As stated in the Final Office Action, Crockett does **not** teach or suggest a User Datagram Protocol (UDP). Also, applicant notes that Crockett does **not** disclose a CPE application server as recited in applicant's claim 1. Instead, Crockett discloses a VXML platform 40 that contains an application server 47. However, VXML platform 40 and application server 47 are network-based equipment rather than CPE equipment as recited in applicant's claim 1. See column 7, lines 57-65. Thus, Crockett is missing the "CPE application server" element, as recited in applicant's claim 1.

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Applicant agrees that Crockett discloses SIP, and Crockett discloses that the VXML platform 40 communicates with SCP 23 via various protocols including SIP. See column 8, lines 44-47. In other words, Crockett's network-based application server communicates with a SCP via SIP.

However, a SCP is not a switch. As known by those skilled in the art, a switch is a device used to route incoming data from any of multiple input ports to the specific output port that will take the data toward its intended destination, and a SCP is a real-time data base that stores customer records. See Crockett column 12, lines 55-58 for Crockett's use of the SCP 23 to look-up customer records. Since Crockett's SCP does not route incoming data from any of multiple input ports to the specific output port that will take the data toward its intended destination, it cannot be considered a switch. Thus, Crockett is missing the "one or more switch components operable to communicate with the application server component and the CPE application server via Session Initiation Protocol (SIP) to provide the one or more services" elements, as recited in applicant's claim 1.

The Final Office Action has cited Kambhatla only for its alleged teaching of "UDP". Thus, the Final Office Action seems to indicate, and applicant agrees, that Kambhatla does not supply the elements of applicant's claim 1 that were shown hereinabove not to be taught by Crockett.

Therefore the proposed combination of Crockett and Kambhatla does not teach or suggest all of the limitations of applicant's claim 1, and therefore claim 1 is allowable over the proposed combination. Since claims 3-11, 13-16 and 21-22 depend from allowable claim 1, these claims are also allowable over the proposed combination.

Independent claim 17 has a limitation similar to that of Independent claim 1, which, as shown above, is not taught by the proposed combination of Crockett and Kambhatla. For example, claim 17 recites, "providing one or more switch components operable to communicate with the application server component and the CPE application server via Session Initiation Protocol (SIP) to provide one or more services". The proposed combination does not teach or suggest this limitation for the above-mentioned reasons. Therefore, claim 17 is likewise allowable over the proposed

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combination. Since claims 18-19 depend from claim 17, these dependent claims are also allowable over the proposed combination.

Conclusion

It is respectfully submitted that the Office Action's rejections have been overcome and that this application is now in condition for allowance. Reconsideration and allowance are, therefore, respectfully solicited.

In view of the above amendments and remarks, allowance of all claims pending is respectfully requested. If a telephone conference would be of assistance in advancing the prosecution of this application, the Examiner is invited to call applicant's attorney.

Respectfully submitted,



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